

Town Council Meeting: 10 November 2008



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Regular Meeting of Town Council
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

MINUTES

Meeting Call to Order: Mayor Keller called the meeting to order at 8:05 PM. Present were Councilmembers Berry, Irons, Mandel, and Wegner. Also present was Administrator Pratt, Mary Moyer from the *Bugle*, and a number of Town residents.

Approval of Agenda: With the deletion of consideration of the minutes for two prior meetings, the agenda was approved as posted without objection.

Presentations by Residents:

- Elaine Chang-Baxter, Principal of the Garrett Park Elementary School and Barbara Ferry, President of the Garrett Park Elementary School Education Foundation (GPESEF), made a presentation to the Council. Principal Baxter briefed the Council on the upcoming replacement of the existing school building, noting that the new school would be enlarged to a capacity of 740 students from the current 580 in order to accommodate anticipated population growth in the school's service area, that construction (anticipated to take 18 months), would start in the summer of 2010, that the school would be located at the Grosvenor Holding School during the construction period, and that the new Garrett Park Elementary School was planned to open in the fall of 2012.
- Barbara Ferry briefed the Council on the activities of the GPESEF. Ms. Ferry informed the Council that the Foundation was raising funds to provide for an enlarged stage for the new school, the standard stage provided for new Montgomery County elementary school buildings being substantially smaller than the current stage (a comparison of stage layouts is attached to these minutes). Ms. Ferry stated that all funds to be added to the construction budget had to be available by May, 2010, that it was imperative that the fundraising effort get off to a good start as the Montgomery County School Board would be considering the Foundation's proposal at its November 18th meeting, and that she hoped the Town would consider contributing \$15,000 (\$5,000 in FY 2009 and \$10,000 in FY 2010). Mayor Keller noted that if the Town had a more formal relationship with the GPES regarding use of the stage by Garrett Park organizations there might be more support for the Town's contributing to the project. Both Principal Chang-Baxter and President Ferry agreed this

was possible.

Mayor's Report:

- Mayor Keller reported that the Montgomery County Police had solved one of the recent break-ins in Town, but that those responsible for assaults on Asians in the area were still at large.
- Mayor Keller also reported that he had attended the MML meeting in Gaithersburg for the "Capital for A Day" program, and that Governor O'Malley and his Cabinet had been in attendance.

Councilmember's Reports on Areas of Responsibility:

- Councilmember Irons reported on the demolition request for the fire-damaged house at 11204 Kenilworth Avenue. The Reeds, new owners of the house, applied for a demolition permit in October. While consulting with the Council and the HPC during this process, they learned more about the age and history of the house. As a result, they volunteered to undertake a structural assessment of the house before making a final decision about demolition. The Reeds shared with the Town and the HPC the detailed reports provided by both a structural engineer and a preservation architect/historian. These reports determined that it was not realistically feasible to save a significant portion of the building. The owners, therefore, plan to act on the demolition permit that was granted to them at the October Council meeting. The HPC reviewed the reports and accepts their conclusions.
- Councilmember Irons reminded the Council that the HPC was hosting an architectural walking tour of the Town on Saturday, November 15, with committee members Perry Chapman and Andy Seferlis giving presentations on the history of the built environment in Town.
- Councilmember Irons reported that there had been a lot of interest in the Land Use Task Force that residents could still contact the Town Office regarding participation.
- Councilmember Irons also reported to the Council about the Maryland Municipal League (MML) Fall Conference, which she had attended, and asked that Administrator Pratt distribute to the Mayor and Council risk reduction information she had obtained at that meeting.
- Councilmember Mandel noted that the Town Hall's main hall carpet had been removed, re-cut, and installed in the Piano Room, and that the new carpets for the main hall should be installed and all the older carpets cleaned within a week.
- Councilmember Berry reported that there would be a Parks & Open Space Committee meeting on Saturday at 3:00 PM at the Penn Place Plaza.
- Councilmember Wegner reported that on November 4 he and the Mayor, together with representatives of the Garrett Park Cooperative Nursery School, met with representatives from the Montgomery County Parks Department to discuss the Community Center building. He reported that there was a willingness on the part of the Parks Department to transfer the building to the Town, but Parks stated its position that it would be

necessary have a land swap to effectuate any transfer; they proposed the Town's portion of Garrett-Waverly Park, adjacent to Penn Place. Mayor Keller noted that the Parks Department was prepared to give the Town a perpetual easement to assure access to Porcupine Woods and to prevent major changes to the Town-lot portion of Garrett-Waverly Park. Also discussed was the possibility of a letter from the Parks Department committing to maintaining the Park's current designation as a local park, and that there would be no changes in the current uses of the park. Mayor Keller also noted that obtaining the Community Center property would need to be put to a vote of the residents, even though the property lies outside the corporate limits of the municipality.

Approval of Minutes:

- Councilmember Wegner **MOVED**

That the minutes of the 08/07/2008 Special Council Meeting be approved as distributed. Councilmember Irons seconded the motion, which **PASSED** unanimously.

Action/Discussion:

- Report on Ordinance 2008-05 Repeal Petition & Referendum - Administrator Pratt noted the memo on the referendum that he had circulated (attached to these minutes). Mayor Keller stated that if the Council was not ready to set a date for the referendum, that at least a general time frame should be established. Councilmember Mandel noted that the Citizens Association wanted to hold a meeting to discuss the referendum, and that would not be possible until January. There was discussion, and it was the sense of the Council that the referendum should be held some time in January, after the Citizen's Association had held a meeting to discuss it, and that the Council would hope to set a date at the December meeting.
- FY 2009 Budget: Impact of *Martin v. Garrett Park* - Mayor Keller reviewed Administrator Pratt's memo requesting transfers within the FY 2009 budget so that the Town could pay legal fees (attached to these minutes).

Councilmember Irons **MOVED**

That \$20,000 be transferred from Account #19000 - Operating Contingency, and that \$35,000 be moved from Account #23900 - Capital Contingency, and that the sum of these transfers, \$55,000, be transferred to Account #11700 - Professional Fees. The motion was seconded by Councilmember Mandel and was **PASSED** unanimously.

- Authorization to Move Town Checking Account & Betsy White Fund Account from Wachovia Bank to Sandy Spring Bank - Administrator Pratt asked that the Council authorize the moving of the Town's checking account and the Betsy White Emergency Loan Fund account from Wachovia Bank to Sandy Spring Bank, where he expected to receive better service and a better interest rate.

Councilmember Wegner **MOVED**

That the Clerk-Treasurer is authorized to move the Town checking account and the Betsy White Emergency Loan Fund account from Wachovia Bank to Sandy Spring Bank. Councilmember Mandel seconded the motion, which **PASSED** unanimously.

Town Administrator Report:

- Monthly Financial Report – Administrator Pratt briefed the Council on the monthly financial report.
- FY 2008 Financial Statements (Audit) – Administrator Pratt told the Council that the FY 2008 Audit had been completed, and that residents who wished could pick up copies of the FY 2008 Financial Statements at the Town Office.

Executive Session: Mayor Keller asked for a motion to go into Executive Session for the purpose of consulting with staff, consultants, or other individuals about pending or potential litigation (a copy of the Executive Session form is attached to these minutes).

Councilmember Mandel **MOVED**

That the Council go into Executive Session to consult with staff, consultants, or other individuals about pending or potential litigation. Councilmember Wegner seconded the motion, which **PASSED** unanimously.

Adjournment: The Council adjourned to Executive Session at 9:36 PM.

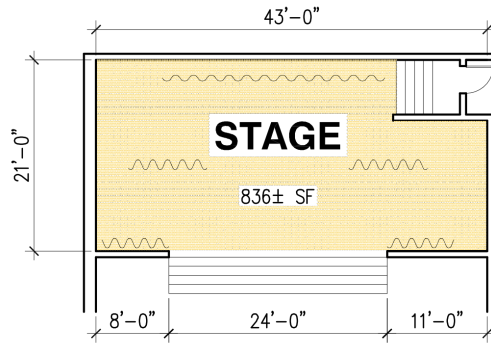
[TOWN SEAL]

Respectfully submitted,

Edwin Pratt, Jr.

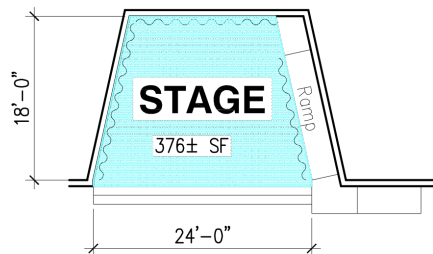
Edwin Pratt Jr., Clerk-Treasurer

Garrett Park Elementary School Foundation New School Stage Proposal



Existing GPES Stage

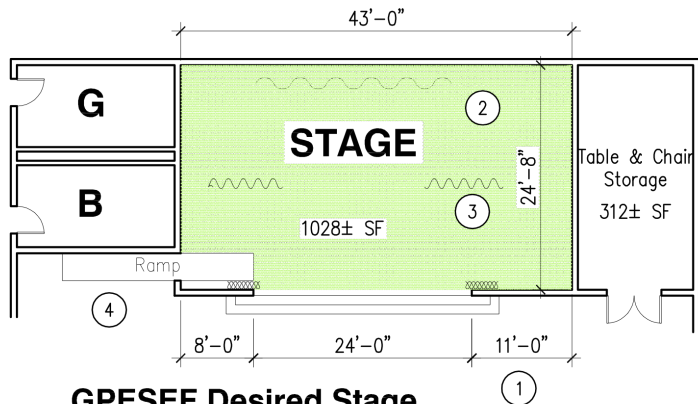
SCALE: 0 4' 8' 16'



Typical MCPS Stage

SCALE: 0 4' 8' 16'

Based on observations at Twinbrook, South Lake and Sequoia ES's



GPESEF Desired Stage

SCALE: 0 4' 8' 16'

Baseline: County typical ES stage appears to be a 24' wide by 18' deep trapezoidal stage, three risers (21") up with a 24' proscenium opening. This is outfitted with front, rear and side curtains, the rear and side being less than 1 foot off the back and side walls. A 1:12 wheelchair ramp must be provided (21' x 3' with minimum 5' x 5' landings.)

Desired Improvements:

- ① A rectangular stage with generous 8' to 12' wings affords room for scenery and off-stage performers.
- ② A deep stage (21 feet or more) with back curtain 2 feet from wall allows performers and stage hands to cross unseen from one side to the other during a performance.
- ③ A curtain at midstage increases dramatic opportunities for scene changes during a performance, improves feel of the stage, enhances acoustical qualities & etc.
- ④ Having the ramp up front dignifies the person needing to use it and offers dramatic possibilities for everyone.

Dimensions are ±1', based on Feb. 2005 preliminary plans, field measurements and design assumptions.

- Existing Stage
- Typical Stage
- Desired Stage

MEMORANDUM

To: Mayor & Council
From: Ted Pratt, Clerk-Treasurer
Re: Ordinance 2008-05 Recession Referendum Petition
Date: 03 November 2008

I have received a petition for a referendum to rescind ordinance 2008-05 before 20 days had expired since its adoption at the 13 October 2008 Town Council meeting, that being prior to Midnight on Sunday, 02 November 2008. There were 244 signature submitted.

At this time, the Town has 733 residents registered as active voters on the Montgomery County list and 17 non-citizen residents registered with the Town, making a total of 750 residents qualified to vote in Town elections. In order to succeed in suspending the ordinance and calling for a recession referendum, the petition must have signatures from at least 20% of the Town's qualified voters, or 150 valid signatures.

Chief Election Judge Linda Thompson and I reviewed the 244 signatures submitted and have disqualified 23 signatures as being those of unqualified voters. This leaves 221 qualified signatures, so the petition succeeds.

Therefore, according to the Town Charter, the Ordinance does not become effective today, but is suspended until a referendum is held to determine whether it is to be recalled or adopted. The Council may set the date of a special election, at its discretion, or the question can be placed on the ballot for the Town's annual election on 04 May 2009.

MEMORANDUM

To: Mayor & Council
From: Ted Pratt
Re: FY 2009 Budget Transfers to Cover Legal Fees
Date: 07 November 2008

You will note from your monthly financial report that we have a balance of \$107,309 in the Professional Services line (p7). This represents both paid and unpaid bills. The current budget is \$53,850 as a result of Ordinance 2008-06 that was adopted at the October meeting. This means that to pay the bills I have on hand I need a transfer of at least \$53,460. I would suggest the following: \$20,000 from Operating Contingency and \$35,000 from Capital Contingency.

I have been working with the Mayor to re-draft the entire budget to accommodate the unanticipated growth in legal fees, and we anticipate submitting a completely revised budget ordinance for your consideration for introduction at the December meeting. A draft will be circulated for your review and comment next week. In the interim, I need a resolution to make the above-referenced transfers at Monday's meeting>

The motion:

I move that \$20,000 be transferred from Account #19000 - Operating Contingency and \$35,000 be transferred from Account #23900 - Capital Contingency, the sum of these transfers, \$55,000, to be transferred to Account #11700 - Professional Fees.